

Student Conduct Code

Section 1. Preamble

Salem State University (SSU) is a community that prides itself on academic excellence and service to the local and global community. Membership in the SSU community is a privilege for those who are invited to join. Becoming a student at SSU brings a responsibility to adhere to the values of the University community. Students and student organizations, teams and groups who breach the trust and values of the community shall be held accountable for their actions. The Student Conduct Code defines the rights and responsibilities of students and provides a process for responding to allegations of student misconduct in a way that accords with the values of the University.

SSU students are recognized as being both citizens in the larger community and members of an academic community. SSU recognizes that students possess fundamental rights guaranteed to them by the United States Constitution. Rights and responsibilities under local, state and national law are neither abridged nor extended by status as a student at Salem State. However, as members of the academic community, students are expected to uphold Community Standards and to fulfill those behavioral responsibilities which accompany their membership and which are necessitated by Salem State's pursuit of its stated goals. SSU's approach to student discipline is an educative and preventative one. It is expected that the conduct of all students will be consistent with the educational purposes of the institution and in no way will interfere with the functions of the University as it seeks to fulfill that purpose. Consequently, individual and group behavior which inhibits members of the community, i.e., students, faculty and administrators, from carrying out their respective educational tasks and duties is unacceptable. Policy violations committed by students will be subject to disciplinary sanctions which promote their own personal development, protect the University community, and maintain order and stability on campus.

Any behavior which may have been influenced by a student's mental state (irrespective of the ultimate evaluation) or use of drugs or alcoholic beverages shall not in any way limit the responsibility of the student for the consequences of that student's actions. The University may institute proceedings against students whose conduct is prohibited by state, federal, or local laws, and which occurs on-campus, off-campus, or online and materially affects the campus community. Such action by the University is independent of, and may proceed in parallel with civil and/or criminal action. Additionally, the University may institute proceedings against students whose conduct is a violation of University policies and regulations.

Section 2. Scope

These regulations and any amendments shall apply to all individuals who hold student status at Salem State University as well as to student organizations, and participants in university-sponsored programs or services. Unless students have officially withdrawn from the University, they are assumed to be in student status, including when students are on a leave of absence. It is a condition of admission and enrollment that students agree to abide by the policies and procedures outlined in this Code.

Each student shall be responsible for individual conduct from the time of admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded). The Student Conduct Code shall apply to a student's conduct even if the student withdraws from the University while a student conduct matter is pending.

This Code applies to, but is not limited to:

1. **All undergraduate, graduate, and continuing education students**, whether enrolled full-time or part-time;
2. **Matriculated, degree-seeking students** who are not currently enrolled but who are on a leave of absence or have not withdrawn and are eligible to enroll;
3. **Non-degree students** enrolled in courses at the university during the current term;
4. **Individuals residing in university housing** who are not enrolled at Salem State but are authorized to live in campus residence halls through consortium or partnership agreements;
5. **Student organizations**, including those formally recognized by the university, those not recognized by the university, and those participating in university-sponsored activities or events;
6. **Participants in university-sponsored programs or services**, regardless of enrollment status, where the individual's conduct may impact the university community.

The Code applies to behavior occurring on or off campus and remains in effect during academic terms, university breaks, and periods between enrollment. It may also apply to conduct that occurs prior to or following an individual's enrollment when such conduct poses a continuing impact on the university or its members.

Each student organization may be held responsible for the conduct of any of its members or guests in addition to any sanctions received by any student member in their individual capacity. Students are responsible for the contents of their rooms, cars, lockers, or person regardless of claims of personal ownership. Students may also be held responsible for shared common areas.

A registered student or campus organization may be held responsible for misconduct when it's officers or other leadership use or knowingly allow the use of

the facilities, resources, membership or name of the student/campus organization for actions that are a violation of the Student Conduct Code; the leadership of the student/campus organization encourages a violation of the Student Conduct Code by its members; or a significant number of members of the student/campus organization engage in concerted action which violates the Student Conduct Code and the leadership of the student/campus organization knows or should have known of a violation by its members and takes no action to stop the violation.

University student conduct proceedings may be instituted against a student or a student organization charged with conduct that potentially violate both the criminal law and the Student Conduct Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under the Student Conduct Code may be carried out prior to or simultaneously with civil or criminal proceedings at the discretion of the Community Standards and Restorative Practice office. The University cooperates with law enforcement or other agencies, in the enforcement of laws on campus and regarding its students. This includes providing information requested by subpoena or as otherwise permitted by law. Determinations made or sanctions imposed under the Student Conduct Code shall not be subject to change because criminal charges arising out of the same facts rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

In case of any conflicts or inconsistencies with any other rules, regulations, policies, and directives now existing, these regulations shall govern and shall be enforced by the president of Salem State University.

The University, upon recommendation from the appropriate governance committees, reserves the right to alter any or all of the student conduct system. Reasonable notice shall be furnished to the University community of any substantial change.

Salem State University is dedicated to the maintenance of the student conduct system which reasonably represents and is responsive to all members of the University community.

It is the policy of Salem State to offer opportunities for student conduct board participation and to ensure equitable treatment of students charged with University violations without regard to race, religion, age, disability, sex or gender, gender identity, sexual orientation, or national origin.

To request accommodations, please contact the Center for Accessible Academic Resources at 978.542.6217 or access@saalemstate.edu.

Section 3. University Jurisdiction

The Student Conduct Code applies to all students and student organizations, and any persons participating in a university sponsored program or service, both on-

campus, off-campus, and/or online. The rules of conduct that are outlined in these regulations are designed to promote the welfare of the academic community by preserving an environment in which reasoned debate and the pursuit of learning can flourish. Generally, University jurisdiction shall be limited to conduct that occurs on or about University premises or in connection with University-sponsored, University-affiliated events programs, and activities (including students involved with off-campus internships, study abroad programs, and recognized or unrecognized student organizations). However, the University may apply the Student Conduct Code to students, student organizations, and unrecognized student organizations whose misconduct may have an adverse impact on the University, members of the University community, and/or the pursuit of University objectives regardless of where such conduct may occur. These rules will therefore govern the following:

- Conduct that occurs within the physical bounds of the North, Central and South campuses, the O’Keefe Complex, and in any University facility;
- Conduct, wherever it occurs, that occurs while a student is attending, or participating in, any University related activity, including a sporting event, a field trip, a study abroad opportunity, or the like;
- Conduct, wherever it occurs, that calls into question a student’s suitability as a member of the academic community, including acts of violence, the sale or possession of drugs, violations of another’s civil rights, and acts against persons and property.

Off-Campus

The following examples describe the kinds of off-campus acts that may be addressed through the University student conduct system: driving under the influence of alcohol or drugs; physical assault; sale/distribution of illegal substances; and malicious destruction of property. These examples are illustrative in intent, and they should not be regarded as all-inclusive. Should the Community Standards and Restorative Practice office reasonably determine that a particular alleged act of off-campus misconduct falls within the jurisdiction of the University, the case will be referred to the student conduct system.

Student Organizations

Student organizations may be held accountable under the Student Conduct Code for the student organization’s misconduct and/or the misconduct of any one or more of its leaders, members, guests, and other representatives.

The student organization must designate one student organization representative by written notice to the Director of Community Standards and Restorative Practice or designee within three (3) business days of being sent notice of alleged

violations of the Student Conduct Code. The student organization representative will represent the student organization during the student conduct process.

Review of allegations of misconduct of individual student members will be determined under the Student Conduct Code prior to determination of student organization alleged violations.

Student organizations are prohibited from conducting their own disciplinary proceedings prior to resolution of alleged violations of the Student Conduct Code.

Nothing in the Student Conduct Code shall preclude holding students who are members of a student organization responsible for their individual violations of the Student Conduct Code committed in the context of or in association with the student organization's alleged violation of the Student Conduct Code. Both the student organization and individual students may be found responsible for violations of the Student Conduct Code in connection with the same behavior.

The student organization representative is required to notify the student organization's advisor of any alleged violations of the Student Conduct Code and any sanctions imposed.

Section 4. Definitions

The following selected terms are defined in an effort to facilitate a more thorough understanding of the Student Conduct Code. This list is not intended to be a complete list of all terms referenced in the Student Conduct Code that might require interpretation or clarification.

Advisor

An individual of a student's choice who provides support and/or advice to a student in the conduct process. However, individuals who would be in conflict with the student conduct process may not serve as advisors (e.g., witnesses, hearing officers, appeal officers, etc.). The advisor may not represent the student in addressing the hearing officer or the conduct board. During meetings and hearings, the advisor may speak with the student or pass along notes in a non-disruptive manner. The University reserves the right to remove from the meeting or proceeding any advisor who disrupts the process, or who does not abide by the participation restrictions. In addition, please note the University may not cancel or delay a meeting or proceeding simply because an advisor cannot be present. Further, the advisor is not permitted to attend a meeting or hearing without the student.

Appeal Officer

Any person or persons authorized by the Dean of Students or designee to conduct a review of a decision reached by a hearing officer or conduct board.

Business Day

Any day (i.e., Monday through Friday) that the University is open, from 8:30 am to 5 pm.

Community Conversations

A restorative conversation that may take the place of a conduct hearing for certain first-time offenses. Use of these conversations is up to the discretion of the Director of Community Standards and Restorative Practice.

Conduct Standing

Good conduct standing refers to the student's current disciplinary status at the University related to the conduct process. Being in good conduct standing indicates that at the current point in time, a student does not have any pending conduct incidents, does not have an outstanding sanction to be completed, and who is not on active university probation, suspension, or expulsion. Students on active disciplinary probation are still considered to be in good conduct standing at the University as long as they have completed all educational sanctions and do not have any pending conduct incidents. (For more information on Conduct Standing, see Section 8. Sanctions.)

Dean's Office Hold

A hold placed on a student's record that prevents the student from conducting any business with the University. This may include registering for class, signing up for housing, and studying abroad. Disciplinary holds may be placed on a student's record when the student does not respond to the request of a University official to attend an administrative hearing, has not completed an assigned sanction, and/or has officially withdrawn from the University while a conduct matter is pending.

Conduct Record

A conduct record reflects any proceedings under the student conduct process that result in a finding of responsible. See Section 10. Conduct Records for more information.

Consent

Consent is an understandable exchange of affirmative words or actions, which indicates a willingness by all parties to participate in mutually agreed upon sexual activity. Consent must be informed and freely and actively given and may not be obtained through coercion. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly. Whether an individual has taken advantage of a position of influence over a

complainant may be a factor in determining consent. A position of influence could include supervisory or disciplinary authority. Silence, previous sexual relationships or experiences, and/or a current relationship may not, in themselves, be taken to imply consent. While nonverbal consent is possible (through active participation), it is best to obtain verbal consent. Similarly, consent to one form of sexual activity does not imply consent to other forms of sexual activity.

Hearing Officer

A University staff member who is authorized to determine the resolution of alleged violation(s) of the Student Conduct Code and/or to impose sanctions or affect other remedies as appropriate. A hearing officer may investigate a complaint of an alleged violation of the Student Conduct Code, decline to pursue a complaint, refer identified disputants to mediation or other appropriate resources.

Conduct Board

Any person or persons authorized by the Director of Community Standards and Restorative Practice or their designee to determine whether a student has violated the Student Conduct Code and to determine sanctions that may be imposed. This panel serves as a university decision-maker.

No Contact Order

An administrative action from the University directed towards two or more parties that states they are not to have any contact with each other whether in person, by telephone, voice, message, through social media, and/or through a 3rd party. Violation of this order may result in further disciplinary action through the University's student conduct system. All No Contact Orders have an end date; however, it is possible to renew a No Contact Order directive.

Policy

Any written policy, procedure, standard, regulation, rule or student conduct expectation adopted by the University, as the same may be amended, modified, or replaced from time to time.

Preponderance of the Evidence

The burden of proof standard used in student conduct hearings. This means the hearing officer or board after careful consideration of all of the available information will determine if it is "more likely than not" that a violation of the Student Conduct Code occurred.

Sanction

Requirement(s) a student must abide by or complete when found responsible for violating the Student Conduct Code. Failure to complete these requirements may result in a Dean's Office Hold being placed on the account. While students have incomplete sanctions, they will not be considered in good conduct standing.

Shall and Will

These two words are used in the imperative sense throughout the Student Conduct Code.

Student

Any person admitted, registered, or enrolled at the University, or attending any University course or University conducted program; any person admitted to the University who is on University premises or University-related premises for any purpose pertaining to the person's registration or enrollment. Students who are on a leave of absence are still considered students unless they officially withdraw from the University.

Student Organization

An organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

University

Salem State University.

University Official

Any person employed by the University to perform administrative, instructional, or other professional duties.

Witness

Any person with knowledge pertaining to an alleged violation of the Student Conduct Code.

Section 5. Emergency Interim Procedures

If the Dean of Students or designee determines that the continued presence of a student on campus constitutes a serious danger to the orderly operation of the University or the safety or welfare of members of the University community,

including the student, the Dean of Students or designee may sign an order imposing an interim action including, but not limited to suspension from the University or the Residence Halls, or interim residence hall relocation. This action may be done temporarily pending a hearing.

An interim action may be imposed immediately with the option by the student being charged to have a preliminary meeting on the next business day with the Dean of Students or designee.

If the formal hearing results in suspension or expulsion, an interim action shall continue during any period of appeal review.

If the student is found not responsible, the student will be immediately returned to their previous student status. However, the student shall not be entitled to a refund if they were temporarily removed from the residence hall or the University.

Resident students will normally be given no more than two (2) hours to vacate the residence hall if interim suspension from the University or interim suspension from the residence halls is imposed. To the extent feasible, Residence Life will assist a temporarily suspended resident in storing belongings if requested.

In some cases, the student may not be permitted to continue (during the period of suspension) any University meal plan in which the student is a participant. The types of alleged conduct violations which may result in interim suspension from the University or residence halls include, but are not limited to:

- Bomb threats;
- False fire alarms (pull boxes, smoke detectors, etc.);
- Physical abuse or assault of another person;
- Verbal or written intimidation or threats directed toward another person or a group of people;
- Sexual assault, sexual harassment, domestic violence, dating violence, stalking, and retaliation of another person;
- Arrest and charged by law enforcement on allegation of having committed a felony;
- Possession, use, sale of firearms or other weapons;
- Possession, use, sale, distribution, or manufacture of illegal drugs;
- Malicious vandalism or theft to the physical plant or to the personal property of another resident;

- Possession of commercially prepared alcohol containers (e.g., kegs, beer balls, etc.) in restricted areas or possession of bulk alcoholic beverages;
- Making threatening statements regarding the use of firearms, explosives, or other types of weapons to bring harm to members of the University community.

When sufficient evidence to believe that a student had committed a serious violation of the Student Conduct Code, or if a student's continued presence in a residence hall constitutes disruption to its orderly operation, the Dean of Students or designee may temporarily relocate the student to another residence facility pending a hearing. The accused student may be restricted from visiting specific residence facilities during the period of the relocation.

Section 6. Conduct Regulations

Students and student organizations must adhere to and uphold the Student Conduct Code and obey University policies, rules and procedures as well as federal, state, and local laws. Additionally, students are responsible for adhering to these expectations while on-campus, off-campus, and internationally. The Dean of Students or designee shall make the final determination on what constitutes a potential violation of the Student Conduct Code and shall establish the specific behavioral allegation(s) as appropriate.

Listed below are those types of conduct which constitute grounds for disciplinary action. Any student involved in attempting, encouraging, assisting, permitting, or inciting any of the following types of conduct is similarly subject to such action. The following list of behaviors is intended to represent the types of acts that constitute violations of the Student Conduct Code. Although the list is extensive, it should not be regarded as all-inclusive. Excerpts, and not the full policy, have been included in this Student Conduct Code. All community members are responsible for knowing and observing all policies. The University may from time to time develop interim policies or regulations which pertain to specific situations. Approved changes will be conveyed to the University community. Students may go to <https://records.salemstate.edu> to view the full university policies referenced below.

- Personal Conduct
- On-Campus Resources
- Campus Community Safety
- Off-Campus Resources
- University Policy

Personal Conduct

1. Disorderly Conduct

1.a. Physical Assault: Actions including a physical attack or physical interference with a person that prevents the person from conducting their customary or usual affairs, puts a reasonable person in fear for their physical safety, or causes physical harm to another person.

1.b. Harassment or Threat: Conduct that, without physical contact, prevents a person from conducting their customary or usual affairs, or which is sufficiently severe or pervasive to unreasonably interfere with a person's work or academic performance. A single, severe incident may constitute harassment or threat. Any pattern of unwelcome conduct directed at a person, that interferes with their ability to work or make academic progress, can constitute harassment or threat. Any action that can reasonably be understood as jeopardizing safety or well-being of any person, on or off campus, may constitute harassment or threat.

1.c. Intrusion of Privacy: Filming, recording, or secretly viewing, with or without a device (i.e. smartphone), in a location where a person has a reasonable expectation of privacy, is prohibited. Storing or sharing such a recording, if taken without affirmative consent, is similarly prohibited. Any auto-recording of another person, in the State of Massachusetts, requires that parties' consent, recording a conversation without consent, even in a non-private setting, may constitute an intrusion of privacy.

1.d. Forcible Detention: Holding anyone against their will, on or off University property.

1.e. Retaliatory Harassment: Any form of retaliation against any person who files a claim, complaint, or charge or who assisted or participated in an investigation or resolution of such claim, complaint, or charge.

1.f. Disruptive Activities: Conduct that prevents people, particularly members of the campus community, from conducting their customary or usual affairs. Behavior that disrupts teaching, learning, research, administration, or campus activities, or explicitly incites others to do so, is prohibited. This includes off-campus behavior, such as hosting large parties or gatherings that disrupt the community.

1.g. Dangerous Conditions: Knowingly creating a condition which endangers the safety of other people or communities. This includes but is not limited to, hosting events that exceed fire code capacity, throwing items from rooftops or windows, tampering with equipment designed for public use, and operating a vehicle in a reckless manner that could imperil public safety. Behavior that

negatively impacts individual or community health may also constitute a dangerous condition.

1.h. Hazing: Engaging in any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. The implied consent of the victim will not be considered a reasonable defense. Failure to report a potential violation of hazing policy may result in conduct charges. See Appendix A, for fuller hazing policy and related Massachusetts General Law.

1.i. Weapons: Possessing firearms, imitation or facsimile firearms, or ammunition on campus and/or electronic defense weapons on campus (see SSU's Firearms and Other Weapons Policy). Under Massachusetts General Law Chapter 269 Section 10, possessing a firearm on school grounds is prohibited. This offense is criminally punishable by a fine or imprisonment, or both. Examples of prohibited weapons include, but are not limited to:

- **1.i.01:** Firearms
- **1.i.02:** Imitation or facsimile firearms
- **1.i.03:** Ammunition for firearms
- **1.i.04:** Tasers
- **1.i.05:** Explosives
- **1.i.06:** Knives (with an edge blade of more than 1.5 inches, 2.5 inches for a pocket knife)
- **1.i.07:** Metallic knuckles or similar
- **1.i.08:** Chemical spray (not including pepper spray, if registered with University Police)

1.j. General Laws: The University expects students to comply with all federal, state, and local laws, regulations, and ordinances.

2. Sexual Misconduct

Title IX of the 1972 Education Amendments covers much of the prohibited sex-based conduct for the Salem State community. Please see the Title IX policy for a full range of prohibited sex-based conduct. The following violations address sex-based behavioral violations that fall outside Title IX purview. Title IX of the 1972 Education Amendments covers much of the prohibited sex-based conduct for the Salem State community. Please see the Title IX policy for a full range of prohibited sex-based conduct. The following violations address sex-based behavioral violations that fall outside Title IX purview.

2.a. Lewd or Indecent Behavior: Lewd or indecent behavior such as, but not limited to, indecent exposure, stripping, public masturbation, public urination, public defecation, streaking, or prostitution.

2.b. Sexual Misconduct: Unwelcome or non-consensual sexual activity that adversely affects employment and/or educational opportunities of the campus community, that is not covered under the University's Title IX Policies.

3. Bias-Related Incident

3.a. Bias or Discrimination: Any act, conduct, or communication that reasonably is understood to demean, degrade, threaten, or harass an individual or group based on an actual or perceived characteristic and has the purpose or effect of creating an objectively intimidating, hostile or offensive work or educational environment, has the purpose or effect of unreasonably interfering with an individual's work or educational opportunities; or otherwise unreasonably adversely affects an individual's employment or educational opportunities.

4. Prohibited Behavior

4.a. Theft: Unauthorized possession or removal of property that can reasonably be determined to have been stolen from the University, another person, or entity.

- **4.a.01:** Theft or attempted theft
- **4.a.02:** Unauthorized use or possession of another's or University funds or property
- **4.a.03:** Unauthorized or improper use of University services or resources

4.b. Deception: Intentionally providing false or misleading information to University officials or misrepresenting oneself in a manner that has a deleterious effect on another person's customary of usually affairs or the campus community.

- **4.b.01:** Falsification, forgery, and/or modification of any official University document or record. This includes but is not limited to identification cards, absence excuses, and service applications and agreements
- **4.b.02:** Unauthorized use of the University name, address, and/or logo
- **4.b.03:** Knowingly providing false information to any properly identified member of the University administration, security force, staff or faculty engaged in performance of official duties
- **4.b.04:** Filing a false report against a person, accusing them of behavior that is known to be untrue
- **4.b.05:** Misrepresenting oneself intentionally in a manner that has a deleterious effect on another

4.c. Failure to Comply: Failure to comply with the reasonable directions of a University or community official, instructional or administrative, in performance of their duties.

- **4.c.01:** Violations of the conditions of any sanctions imposed by a hearing body or hearing board
- **4.c.02:** Failure to comply with a reasonable order of any properly identified member of the University administration, staff or faculty engaged in performance of official duties, including University Police and Residence Life
- **4.c.03:** Failure to provide identification to any properly identified member of the University administration, security force, or other staff or faculty engaged in the performance of official duties
- **4.c.04:** Failure to comply with university posted signage such as exiting and/or entering through an emergency door when there is no emergency
- **4.c.05:** Failure to comply with university directives designed to limit the spread of contagions and diseases

4.d. Solicitation: Running a private business on campus or utilizing University resources or assets for personal or monetary gain. Students are similarly unable to advertise for a business that is unaffiliated with the University, unless they've obtained express written permission from an appropriate University official.

4.e. Social Organizational Misconduct: Any conduct engaged in by a university-affiliated organization collectively, or in part, that violates the expectations of individual students and/or the organization itself.

5. Campus Community Safety

5.a. Fire Safety: Fire emergencies can be acutely dangerous in a campus setting, where many spaces are designed to bring people together. Students are expected to behave in ways that support fire safety and avoid creating hazards to themselves or others. Actions that are contrary to these expectations include but are not limited to:

- **5.a.01:** Failure to comply with evacuation procedures
- **5.a.02:** Tampering with fire protection apparatus (e.g., covering the smoke detector, spraying the fire extinguisher when there is no fire present, etc.)
- **5.a.03:** Making or attempting to make false fire alarms
- **5.a.04:** Lighting a cigarette, pipe, or any substance used for smoking inside a University building
- **5.a.05:** Unauthorized use of electrical equipment
- **5.a.06:** Setting fires and/or attempting to set fires
- **5.a.07:** Interference with firefighters, police officers, or other persons engaged in performance of their official duties

5.b. Vandalism: Any destruction, impairment, abuse, and/or misuse of another's property or of University property

5.c. Unauthorized Access: Unauthorized entry into and/or presence in any University building or facility or possession or use of University keys or other University property

6. Personal Activities

6.a. Alcohol: Possession or consumption of alcohol by those under legal drinking age is prohibited by state law. Serving or in any way providing alcohol to people who are underage similarly violates state law. Additionally, the University prohibits underage students from being in the presence of alcohol. See Appendix C for full Alcohol Policy.

6.b. Drugs: Possession, sale, manufacturing, or distribution of substances defined as illegal by state or federal laws, is prohibited. Use, possession, or distribution of prescription medication that is not prescribed to the specific student is similarly prohibited. Additionally, the possession of drug paraphernalia is prohibited. See Appendix C for full Drug Policy.

6.c. Tobacco: Using any tobacco product (including, but not limited to, e-cigarettes and hookahs) and/or selling tobacco products on campus. On-campus includes all buildings, grounds, parking lots, work areas, offices, restrooms, lobbies, public entrances, any vehicle parked on campus, etc.

6.d. Motor Vehicles: Operating, charging, or storing a recreational motorized vehicle (including but not limited to motorcycles, mopeds, hoverboards, self-balancing scooter boards, two-wheeled scooters, Segways, carts, etc.) inside any campus building including residence halls.

6.e. I.D. Cards: Students must carry their University I.D. (Clipper Card) on campus and use it to access spaces (i.e. residence halls, dining halls, etc.). If their Clipper Card isn't working, they should notify staff for assistance. Clipper Cards are non-transferable and cannot be shared or used by another person.

6.f. Violation of Specific University Policy: Any violation of University policy, including but not limited to the Residence Life Guidelines, Campus Events Policy, Acceptable Use of Technology Policy, and any policies which are published in hardcopy, found on the website, or posted throughout campus, are considered violations of the Student Conduct Code.

Appendix A.

Violation of University hazing policy which includes:

Any activity, regardless of the person's willingness to participate, that humiliates, degrades, or endangers the mental or physical health of someone because that person is joining or continuing membership in a group, team, or student organization. This definition encompasses both the Massachusetts¹ and federal²

definitions of hazing. Examples of hazing include, but are not limited to: sleep deprivation; social isolation; public degradation; intimidation; creation of artificial or excessive stress; public nudity; deception; deprivation of privileges; name calling; assignment of duties not assigned to other members; verbal abuse; threats or implied threats; sexual simulations; requiring situationally inappropriate attire; forced or coerced consumption of any food, liquor, beverage, drug, or other substance; forced or coerced sexual acts; forced or coerced calisthenics or other similar exercise; beating, paddling, branding, or other forms of assault; bondage; kidnapping; or expected participation in illegal activity.

Acts that cause or are likely to cause physical injury or psychological harm, including:

- Whipping, beating, striking, branding, or placing a harmful substance on the body;
- Electric shocking, forced calisthenics, or exposure to the elements;
- Forced or coerced consumption of food, alcohol, drugs, or other substances;
- Sleep deprivation, extended isolation, or extreme confinement;
- Coerced or forced sexual acts;
- Activities that place another person in reasonable fear of bodily harm through threats, intimidation, or harassment;
- Any conduct that constitutes a violation of local, state, tribal, or federal criminal law.

Consent is not a defense to hazing, regardless of whether the person subjected to the activity appeared to agree to participate.

Emotional/mental health hazing includes, but is not limited to, any forced consumption of food, alcohol, or drugs; forced exposure to the elements; forced calisthenics or other physical activities; deprivation of sleep; or any other activity that subjects a person to pain, embarrassment, or physical injury.

Physical health hazing includes, but is not limited to, any activity that subjects a person to humiliation, intimidation, ridicule, degradation, or psychological distress; forced servitude; or any activity that interferes with a person's academic performance or ability to participate in university life.

Appendix B.

Violation of alcohol and drugs policy which includes:

- Possessing or consuming alcoholic beverages on-campus or off-campus by those under 21 years of age and/or being in the presence of alcohol in a substance free area regardless of age. Examples of substance free areas include, but are not limited to, lounges, stairwells, or hallways of any residential facility, rooms in which people under 21 years of age are present.

- Displaying alcohol advertisements and/or signage in any campus building or property controlled by the University (including in the residence halls) or paraphernalia regardless of age. Paraphernalia includes, but is not limited to, kegs, beer balls, beer machines, home brewing equipment, punch bowls, drinking funnels, ice luges, and other items that encourage binge drinking. Students who sponsor, organize, facilitate, participate in, and /or are present during, or allow the use of their rooms for such activities will be subject to disciplinary action.
- The distribution or sale of, or intent to sell, alcoholic beverages to anyone under 21 years of age. This includes distribution of alcoholic beverages on University property without proper approval regardless of the age of individuals.
- Using a fake ID or making false statements regarding your age in order to purchase or in any way to procure alcoholic beverages
- Possessing any opened bottle or can containing an alcoholic beverage or consuming alcoholic beverages in public (e.g., sidewalks, streets, parks, parking lots, open green spaces, etc.)
- Manufacturing of alcoholic beverages on campus
- Public Intoxication and/or overconsuming alcohol/drugs resulting in being transported to the hospital or being placed in protective custody regardless of the student's age
- Possessing, using, manufacturing, distributing, transferring, consuming, selling (or intending to sell), brokering or facilitating the distribution of any controlled substances (including cannabis)
- Possession, use, sale, distribution, or manufacture of drug paraphernalia. Drug paraphernalia is defined as any equipment, product, material and/or ingredients that is/are used or modified for making, using, or concealing illegal drugs, including, but not limited to, pipes, smoking masks/screens, bongs, hookahs, vape pens or roach clips. Certain scales, grinders, vials, and baggies may also be considered drug paraphernalia.

While Massachusetts state law permits the use of recreational and medical cannabis, federal law prohibits cannabis use, possession, distribution, and/or cultivation at educational institutions. Therefore, the use, possession, distribution or cultivation of cannabis for recreational or medical purposes is not allowed in any SSU residence hall or on any other SSU premises; nor is it allowed at any University-sponsored events or activity off campus or any student organization event or activity. Anyone who possesses or uses cannabis at any University premises may be subject to federal prosecution and University discipline.

In addition, no accommodations will be made for any student in possession of a medical cannabis registration card except that SSU may release students from their Residence Hall License Agreement if approved.

Good Samaritan Policy: Students experiencing an alcohol and/or drug-related medical emergency may receive amnesty through the SSU student conduct system when students or their friends or other persons (not University staff) are concerned about them and proactively seek medical assistance from University Police or Residence Life (or from local police if off-campus). This amnesty is offered at the discretion of the Community Standards and Restorative Practice office and may be extended to students who seek help from University Police or Residence Life (or from local police if off campus) for another student provided they remain with the student experiencing the medical emergency until medical assistance arrives. This policy does not preclude disciplinary action regarding other violations of University standards, such as causing or threatening physical harm, sexual abuse, damage to property, harassment, hazing, etc. Students should also be aware that this University policy does not prevent action by local and state authorities. Students granted amnesty under this policy will be required to complete educational or other sanctions. SSU reserves the right to inform parents/guardians/emergency contacts when students receive amnesty.

Students whose pattern of behavior suggests the ongoing use of alcohol and/or drugs may not be granted amnesty. This policy is designed to save lives. The spirit of the Good Samaritan Policy is that we all have an ethical responsibility to help people in need. There is an expectation that students will take active steps to protect the safety and well-being of our community. Students found in violation of the alcohol policy through report of a sexual assault, psychological or medical emergency will not be automatically subject to the minimum sanction. Such sensitive situations will be handled on a case by case basis.

Appendix C.

Violation of the campus event policy which includes:

- Failing to submit publicity materials for approval to the appropriate office. Publicity materials are defined as non-commercial, written materials including, but not limited to, signs, posters, pamphlets, handbills, circulars, newspapers, and magazines. Publicity materials will only be reviewed to ensure the materials are factually accurate and provide full disclosure of any related terms, conditions, warrants and intentions. Plans to use banners, lawn signs, stands, tables, or booths or to install tents or other temporary structures must also be included in the approval request.
- Hosting an unapproved event on campus, failing to seek approval for an event within the timelines outlined in the policy, and/or participating in disruptive or illegal activities on campus.

- Forcing passersby to take written materials; promoting the excessive use of alcohol or the illegal use of alcohol by underage persons; promoting the use of illegal drugs; and/or promoting engagement in any other illegal activities.
- Not using the correct forum (i.e., traditional public forum, designated public forum, non-public forum). All persons shall comply with the directions of university officials lawfully acting in the performance of their duties. Failure to identify oneself to or comply with the directions of a university official or other public official acting in the performance of their duties while on university property may lead to cancellation of the event. University officials shall not invoke this provision to stifle expression because of its content.
- Blocking or otherwise interfering with reasonable ingress or egress into and out of buildings, to include obstructing entrances, exits, corridors and other thoroughfares; blocking or otherwise interfering with the free flow of pedestrian, vehicular, or bicycle traffic (the right of way on streets and sidewalks must be maintained); engaging in physically assaultive conduct towards any other person, including making threats, touching, or striking attendees or passersby.
- Burning of objects of any type or having open flames; engaging in lewd and/or obscene conduct; causing malicious or unwarranted damage or destruction of property owned or operated by the university or personal property belonging to students, faculty, staff, or guests of the university.
- Not complying with applicable state and federal laws and university policies, rules, and regulations to include, but not limited to, laws prohibiting discrimination on the grounds of race, color, creed, religion, national origin, gender, age, disability, sexual orientation, gender identity, genetic information, marital status, or veteran status.
- The Campus Events Policy includes the expectation that students follow. That entire policy can be found here: [Freedom of Speech Policy | Salem State Public Records](#)
- The Freedom of Speech and Expressive Activities policy includes recognition of the rights of individuals to engage in all forms of constitutionally protected expression on campus without prior restraint or censorship. The university acknowledges that public discourse in an educational environment may include the discussion of controversial ideas and will not limit such discourse based solely on its content. The university is committed to providing a healthy and robust educational environment where students may pursue their educational goals, while also growing, prospering and becoming exemplars of the next generation of engaged citizenry. To achieve these ends, the university's physical and virtual campus must allow access to all services, resources and supports for students and community members in a safe and inclusive manner. Activities, including expressive activities, must be balanced in consideration of the university's primary

mission – that being education. As such, the university adopts reasonable and content-neutral time, place, and manner restrictions. It shall not be inferred or implied that the university endorses the messages expressed in accordance with this policy.

Appendix D.

Freedom of Speech and Expressive Activities policy includes:

- Designated/limited forums include parts of the campus that become available for expressive activity when designated by university officials. Expressive activities include but are not limited to the following: activities undertaken by an individual or individuals who seek to orate, distribute literature, engage in sequential, incidental, brief, and transitory verbal interactions with passersby, or conduct an event or assembly where individuals gather. Examples of designated/limited forums include, but are not limited to, Alumni Plaza and the North Campus Quadrangle on North Campus, green space on the Harrington and South Campuses, as well as auditoriums, lobbies, and athletic fields.
- Expressive activities that are not allowed on campus include the following (please note that these activities have very specific legal meanings and will be interpreted in accordance with the law):
 1. Solicitations to commit crimes; Updated March 18, 2022
 2. Incitement of imminent violence or lawless action;
 3. Harassment, threats, defamation, perjury, blackmail, plagiarism or obscenities, including child pornography;
 4. Fighting words.
- Non-public forums: Non-public forums include all areas that are not defined as designated/limited public forums. These locations are not available for expressive activity. Examples include, but are not limited to, interior spaces within academic and administration buildings including classrooms, faculty, administrative and student offices, libraries, cafeterias and other eateries, computer labs, and residence halls.
- Space occupied by unaffiliated entities, spaces owned or leased by the university that are occupied by unaffiliated entities (such as spaces in the Enterprise Center that are occupied by private entities) are excluded from this policy.
- This policy shall apply to all members of the campus community including but not limited to students and employees of the university, including faculty, staff, contract employees, student employees, volunteers ("Members of the Campus Community") and visitors and groups that are unaffiliated with the university ("Third Parties").

Appendix E.

Violation of Residence Life License Agreement and other policies as outlined in the Guide to Living on Campus which includes:

- Storing empty alcohol containers (decorative or otherwise) or not disposing of alcohol containers properly in the designated recycling or trash areas.
- Possessing or using alcohol in lounges, stairwells, or hallways of any residential facility. Students are allowed to possess alcohol in their apartment/bedroom only when all present individuals are over the age of 21.
- Hosting or participating in large parties within the residential areas. The maximum number of people allowed in a room or apartment at any time is two guests per resident of the room who is present (i.e., in a six (6) person apartment, there can be no more than 18 people present if all residents of that room are in the apartment at the time of the gathering).
- Violating the guest policy. This includes allowing your guest to violate the Student Conduct Code, allowing a guest to stay more than 3 overnights in a month or more than 2 consecutive overnights on two occasions. Students are responsible for the actions of the guests they sign in. Therefore, students should never sign someone they do not know into a building.
- Failing to discard trash appropriately. Cardboard, newspaper, hangers, glass, boxes, and large items should be taken to the dumpster. Excessive trash left in hallways, lounges or stairwells will result in charges to those on your floor or in your entryway. All rooms/apartments are provided with recycling bins to utilize in collecting recyclable materials and should be emptied into the larger bins located on each floor or in each entryway.
- Having prohibited items in the residence halls. The following are not permitted in any of the residential areas: air conditioners; electrical extension cords; halogen lamps; lanterns and sun lamps; hot plates; heating coils; electric space heaters; hot pots without automatic on/off switches; "Medusa lamps" (with multiple plastic shades) television larger than 40"; water coolers; deep fryers; popcorn poppers; sandwich makers; toaster ovens and toasters; waffle irons and griddles outside the kitchen areas of Atlantic Hall; coffee makers and irons without automatic shut-off switches; microwaves and refrigerators that do not comply with the specifications detailed in the Guide to Living on Campus; candles and incense, including those of decorative nature and those that have not been burned or used; live Christmas trees, menorahs with candles, Kwanzaa candles, and similar decorations; flammable decorations placed near light fixtures or in enclosed areas; bicycles in hallways, lounges or blocking the doorways of rooms, apartments, and stairwells; tapestries and similar hangings covering a door or significant portion of the wall or any lights and

lamps, or hung from the ceiling; gasoline, lighter fluid, flammable cleaning fluid, turpentine, and paint solvents; motorcycles, mopeds and automotive equipment in hallways or rooms; desks, chairs, dressers, closets, or beds that block any part of doorways, or one's ability to move; bookshelves; concrete blocks and bricks; inflatable chairs and bean bag chairs; trunks; waterbeds.

- Altering University-provided furniture, such as removing closet doors or bed frame legs, stacking furniture, placing a mattress directly on the floor, moving furniture off the floor, or blocking entrances is strictly prohibited. In addition, lounge furniture may not be removed from the lounges or common areas, as these items are intended for everyone's use. The following items are also prohibited from rooms and apartments: bookshelves, concrete blocks and bricks, futons and couches, inflatable and bean bag chairs, trunks, and waterbeds.
- Propping stairwells and exit doors open and/or allowing individuals to enter a residence hall and/or bypassing the front desk to be signed in.
- Failing to abide by prescribed quiet hours which are Sunday through Thursday from 9 pm to 9 am and Friday through Saturday from 12 am to 10 am. During final exam periods, quiet hours are in effect 24-hours a day. Courtesy hours are in effect 24-hours a day and residents are expected to comply with other student or staff requests to lower noise levels when requested at any point during the day. Residents should use good judgment, and be considerate of neighbors, including the people living above and below them.
- Failing to obtain proper documentation and/or approval for a service animal or assistance animal. Service animals are working animals, not pets. Approved assistance animals are permitted only in a resident's room and are not permitted in other campus locations such as classrooms, libraries, or dining halls. Assistance animals must be approved by the Center for Accessible Academic Resources as a reasonable accommodation in university housing.
- Bringing and/or keeping a pet for ordinary use and companionship. A pet is not considered a service animal or an assistance animal. Students are not permitted to bring pets on university property or keep pets in university housing, except for fish in a 10-gallon tank. You are not permitted to bring an animal that you are pet-sitting into University Housing. No sitting for friends' animals is allowed.
- Failing to clean up after, care for, or maintain control of an approved service or assistance animal. Salem State University is not responsible for the care or supervision of any service or assistance animal. The student who owns the animal must always carry equipment sufficient to clean up the animal's feces whenever the student and the animal are outside the student's room.

The student should never allow the animal to defecate on any property, public or private, unless the student immediately removes the waste. The student is also responsible for the proper disposal of the animal's feces and for any damage caused by the waste or its removal. Allowing someone other than the animal's owner to care for the animal overnight in university housing. Approved animals must be taken with the student if they leave campus overnight or for a prolonged period.

Appendix F.

Violation of the University's acceptable use policy set forth by information technology services which includes:

- Using University computer facilities in a manner that would constitute harassment, invasion of privacy, threat, defamation, intimidation, obscenity, unwarranted annoyance or embarrassment, or discrimination based on race, sex, national origin, disability, age, religion, or sexual orientation.
- Using another's User ID without their authorization; cracking passwords, obtaining confidential information through unauthorized means; impersonating another, real or not, individual, machine or organization.
- Installing privileged network monitoring tools such as packet sniffers by anyone other than authorized personnel; accessing or transmitting information that belong to another user or for which no authorization has been granted; attempting to make unauthorized changes to information stored on the University's computer systems.
- Using University computer resources for unauthorized advertising; unauthorized copying of information stored on the University's computer systems; knowingly using unlicensed or improperly licensed software on university computer facilities.
- Tapping home or network lines in violation of any federal or state law; taking any action that jeopardizes the availability or integrity of any University computing, communication, or information resources; using IT resources in a manner that interferes with the work of other students, faculty, or staff or the normal operation of the University computing systems; attempting to bypass the University IT security system; violating federal, state, or local laws, including copyright infringement; using University-owned IT resources for unauthorized commercial purposes.

Section 7. Student Conduct Due Process Procedures

In order to provide an orderly procedure for the handling of disciplinary cases using the principles of due process and basic fairness, the following safeguards will be afforded to all students:

Filing a Report

When an incident occurs, an incident report can be filed by a student, faculty, staff, or community member who becomes aware of, observes, or is the victim of the incident. An email, phone call, or meeting with the Dean of Students or designee can serve in place of an incident report. A report is reviewed, and, if necessary, the student or student organization is directed to attend a hearing or meeting to determine what, if any, violation(s) may have occurred.

Students and representatives of groups or organizations have access to the incident report written by the reporting person. The hearing process is intended to be educational in nature and is based on the concept of due process. This includes reasonable notice of the violation(s) in question and an opportunity for a student to be heard.

An incident can be pursued through the hearing process within thirty (30) days of the alleged incident being reported, unless the deadline is waived by the Dean of Students or designee. Complaints against former students or non-students will not be processed. Reports regarding graduating students should be filed prior to their graduation and, when possible, with sufficient time before graduation so that a process can occur.

Reviewing a Report

Depending on the nature of the report, concerning behavior may be resolved using either an informal or formal method of resolution. Formal resolution will always result in a hearing and become part of the student's conduct file. Informal resolutions can only be considered in alleged minor violations and are used at the discretion of the University staff member reviewing the report. An informal resolution may transition into a formal hearing for any reason including new information learned during an informal meeting or when an informal resolution cannot be reached.

Examples of informal resolution can include:

- Educational letter, conversation, or agreement.
- Mediation. If mediation is deemed appropriate, contact will be made to all parties involved and an explanation of the process will be offered. If accepted by all parties, mediation will be viewed as an alternative solution. Should an agreement not be possible, the incident may be pursued through a hearing. All agreements reached through mediation are binding. If at any

point the agreement is not fulfilled, the negligent party may face further conduct action. Mediation is not an option in cases of sexual misconduct.

Review of all alleged violations is overseen by the Director of Community Standards and Restorative Practice or designee. Their role is to identify those acts that may be in conflict with the Student Conduct Code. Alleged violations result in cases that are assigned to an appropriate hearing officer. Generally, two (2) business days' notice is given prior to a meeting/hearing. If circumstances necessitate, the hearing may be scheduled immediately. Written notice of the date, time, location, and allegation(s) is sent to a student's University email account. Depending on the urgency, notice may also be hand delivered. If the student fails to attend the hearing, a decision may be made in the student's absence.

Preliminary Meeting

In some cases, it may be appropriate for a hearing officer, University Police officer, or other university staff to meet or speak with students who may have relevant knowledge about an incident. This investigative process allows the responding staff member to make decisions about an informal or formal approach. These meetings also allow the University to collect information in order to meet its burden of proof.

Administrative Hearing Procedures

The use of a formal resolution requires a conduct hearing. The Dean of Students or designee determines whether the incident will be handled through an administrative hearing or conduct board hearing. If the alleged violation could result in separation from the University, the matter may be reviewed by the Associate Dean of Students, designee, or the conduct board. Additionally, there may be some instances in which a student is involved in multiple incidents. In this case, the hearing officer may elect to resolve multiple incidents for an individual in one hearing.

Should a student choose to withdraw from the University, that will have no impact on the adjudication of the case. Once a hearing process has begun, it will be pursued until the appropriate conclusion is reached.

Cases may be referred to the conduct board when the complexity of the case or allegation is significant. All hearings are closed to the public and only those who have direct information regarding the incident may attend. These determinations are made at the discretion of the Director of Community Standards and Restorative Practice or designee.

Hearings may be expedited to protect community members. Students or recognized clubs/organizations who are alleged to have been involved in a significant violation may be suspended in the interim from the residence halls or the University pending a hearing should the Dean of Students or designee deem it is necessary. Residents may also be temporarily relocated pending a hearing (See Section 5. Emergency Interim Procedures for more information.)

The steps below specify the procedures that must be followed when determining if a violation has occurred and assures that due process is followed.

- Notice - Students will receive a letter electronically from the appropriate University staff member, informing them of a conduct hearing to discuss the incident. Students must be given two (2) business days' notice for administrative hearings and preliminary meeting. If circumstances necessitate, the hearing may be scheduled immediately.
- Attendance - If the student fails to attend the hearing, the review will be made in the student's absence.
- Presentation - A hearing officer will review the incident reports and the student will have the opportunity to share information regarding the incident. Since the hearing focuses on what happened with the purpose of determining whether policy violations have occurred, character statements, character witnesses, and letters of support that do not pertain to the incident in question cannot be considered. Students should only share information that pertains to the incident.
- Finding and Sanction - Based upon the information presented, the hearing officer or conduct board will determine if the student is responsible or not responsible for the alleged violation(s). Sanctioning is considered only after responsibility has been determined and is based solely on the severity of the violation and a student's previous conduct record. The decision of the conduct board will be subject to final review by the Director of Community Standards and Restorative Practice or designee.
- Notice of Outcome - An email notifying the student of the results of the hearing will be sent electronically no later than three (3) business days following the final hearing or interview for the case. Additional time may be needed if the case is complicated in nature.

Investigations and Conduct Board Hearings

When the alleged violation(s) of the Student Conduct Code have the potential to result in temporary or permanent separation from the University, or for cases of sexual misconduct or other violent crime violations, an investigative and hearing panel model will be utilized.

The Community Standards and Restorative Practice Office will notify students through University email that they are party to an investigation. Respondents will be provided a list of rights for students involved in a Student Conduct process, name(s) of the investigator(s) assigned to the case, information about the Student Conduct process, and a summary of the allegation.

A neutral investigator, or co-investigators, will be appointed by the Director of Community Standards and Restorative Practice or designee (The Director \ may serve as the investigator) to conduct the investigation. The investigator(s) will make all reasonable attempts to gather all relevant information to determine whether the Conduct Code was violated, based on the preponderance of the evidence. This includes, but is not limited to: interviewing the complainant (if applicable), interviewing the responding student, interviewing applicable relevant witnesses, and reviewing physical and electronic evidence. Parties will be asked to identify witnesses and provide relevant information, including but not limited to, documents, communications, and photographs. The investigator reserves the right to identify a reasonable deadline for information selection, as well as the relevance of provided information or witnesses.

After completion of the initial report, the respondent and (if applicable) the complainant, will have the opportunity to review the investigator's report and respond in writing. Students will have no fewer than ten (10) calendar days to submit their written response. The investigator will consider the received responses and weigh whether the responses change the finding(s). Any changes deemed appropriate, as well as the responses by both the respondent and complainant (if applicable), will be shared with the hearing panel or decision maker.

If the investigator has found sufficient evidence to move forward with charges of violations of the Student Conduct Code, the responding student will have the opportunity to accept or reject responsibility for any applicable charges. The final decision will be made by a conduct board on the outcome of the matter. The conduct board will be scheduled no sooner than ten (10) calendar days from the respondent and complainant (if applicable) receiving the initial investigation report.

In cases assigned to the conduct board, multiple decision makers will participate on a rotating basis. The Director of Community Standards and Restorative Practice or designee will determine the composition of the board and may also serve as a decision maker. All board members commit to upholding the Student Conduct Code and maintaining confidentiality and will be vetted in advance for any conflict of interest. Additionally, students involved in a conduct board will have the opportunity to raise concerns about any potential conflict.

Students participating in a conduct board hearing will be given the names of the conduct board members in advance of the hearing. Should a student believe that any conduct board member is biased or could not render an impartial judgment, the student may challenge the individual's participation in the hearing. The Director of Community Standards and Restorative Practice or designee will rule on such challenges, and the decision will be final.

Conduct Board Guidelines

The following guidelines generally apply to University conduct board hearings, outlining a common understanding of the rights and responsibilities generally afforded to students participating in the hearing process. Since every case is unique, the guidelines may be changed or modified by a hearing officer or conduct board as needed.

- Pending action on any alleged violations, a student's status is not altered, nor rights suspended to be present on campus or attend classes, except to protect the health or safety of students, faculty, or staff or to safeguard University property.
- The University's burden of proof is to show more likely than not that the student is responsible for the alleged violation or pattern of misconduct. The rules of evidence applicable to civil and criminal court cases do not apply. Hearing decisions are made based upon a preponderance of the evidence presented (i.e., whether a violation of University policy more likely than not occurred).
- A student is responsible for all policies as listed in the Student Conduct Code.
- Students will receive a letter electronically from the appropriate University staff member, informing them of a conduct hearing to discuss the incident. Students must be given two (2) business days' notice for administrative hearings and investigative meetings. If circumstances necessitate, the hearing may be scheduled immediately.
- A student has the right to review the incident report, names of complainants and witnesses, and any written evidence. This information will be revealed as part of the hearing. However, all relevant parties (e.g., hearing officer, conduct board members, student being charged) may review the information prior to the hearing.
- Students have the right to a preliminary meeting with a member of the Community Standards and Restorative Practices staff for the purpose of reviewing hearing procedures and related aspects of the student conduct system.
- All written or physical evidence not contained in the originating incident report must be presented to the Director of Community Standards and Restorative Practice in advance of the scheduled hearing. This includes names of witnesses or written statements from witnesses who are unavailable to attend the board hearing.
- A student may have an advisor of their choosing present at the hearing. The student's advisor may not participate directly in any aspect of the hearing and may only confer with the student. An advisor will not be allowed to disrupt the hearing by recess or conference outside the hearing. A student

must notify the Director of Community Standards and Restorative Practice the name of the advisor (if they choose to have one) in advance of the hearing. In addition to an advisor of their choosing, a student may have a second individual present if that individual helps fulfill a required accommodation. Students seeking accommodation should contact the Center for Accessible Academic Resources.

- A student may refuse to answer a question, with the understanding that the hearing officer or conduct board must decide the matter based upon the information available at the time of the hearing.
- The hearing officer or conduct board chair exercises discretion over admission of any person into the hearing.
- In incidents involving more than one party, the hearing may be conducted as a joint hearing.
- A hearing officer or conduct board may record the hearing if it is deemed appropriate for the purpose of appeals. After the appeal has concluded, any recordings will be erased.
- If a student is found responsible, the hearing officer or conduct board reviews the student's full conduct record to decide if a sanction should be more severe based upon past history. This information is not used to determine a student's responsibility for alleged violations.
- No later than three (3) business days following the hearing, a student receives a letter electronically from the hearing officer or conduct board chair, informing the student of the hearing's results. Additional time may be needed if the case is complicated in nature. In cases involving both a complainant and respondent, both parties are notified of the outcome.
- A student who has participated in the hearing process and has been found responsible for violating the Student Conduct Code may file a written appeal. Appeals may only be granted if one of three specific criteria are met (see Section 9. Appeal Process).
- If the student fails to attend the hearing, the hearing will occur in their absence and the student will forfeit the right to appeal the decision from the hearing officer.
- During the hearing, the University may accommodate concerns for the personal well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses by providing separate facilities, using a visual screen, and/or permitting participation by telephone, videophone, closed circuit TV, video conferencing, video and/or audio recordings, written statement, or other means. This determination is based on the judgment of

the hearing officer, or conduct board chair. Conduct boards may be held remotely, or in-person on campus.

- If at any time during the course of a hearing, any person exhibits behavior or language that is disruptive or threatening, that person may be dismissed with the process continuing without their presence or input.

Section 8. Sanctions

Sanctions are a developmental and educational tool, with the purpose of redirecting the student's behavior towards a pattern that fits the mission and values of the institution and in some cases to restore the damage that resulted in the disciplinary action of the student. Furthermore, sanctions are determined by considering the nature of the misconduct, student's conduct history, and mitigating or aggravating factors. Students who do not complete the educational sanctions by the deadline may receive a hold on their account. Holds on the account may prevent the student from (but not limited to) registering for classes, participating in extracurricular activities, studying abroad, graduating, and/or signing up for housing. Significant status changes, such as temporary or permanent removals, may be held in Abeyance upon issuance.

With respect to student organizations, athletic teams, or other groups on campus facing disciplinary action, the Community Standards and Restorative Practice office will obtain recommendations from other applicable University departments and offices, which may include, but is not limited to Athletics, Campus Life and Recreation, Student Involvement and Operations, and Residence Life; and may also include a review of the conduct history of individual members of the group of students.

The possible actions available for hearing officers and boards within the student conduct process are described. Cases of alleged sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation will follow the Equal Opportunity, Nondiscrimination, and Title IX Plan, which was approved by the Massachusetts Board of Higher Education on August 1, 2024. This policy may be found at <https://records.salemstate.edu/>

Disciplinary Sanctions

- Disciplinary Warning – written notice to a student that the student has failed to meet the University's standards of conduct. The warning includes written notification from the hearing officer or board to the student indicating that repeated violations of University regulations will result in more severe disciplinary action, including but not limited to a disciplinary standing minimum of Disciplinary Probation.

- **Disciplinary Probation** – a probationary status not to exceed one year. This is a set period of time during which the student is given the opportunity to modify behavior, to complete specific assignments, meet with designated persons, and demonstrate a positive contribution to the University community. Repeated violations of the Student Conduct Code may result in either further extension of Disciplinary Probation with restrictions or University Probation, Suspension/Expulsion from the University. Such restrictions will be imposed as a preventative measure to avoid future violations to the Student Conduct Code. These can include, but are not limited to, restrictions on guest privileges, serving on executive boards (i.e., student leadership), staying in housing during break, participating in co-curricular travel, and visiting residence halls. As long as all other sanctions have been completed and the student does not have any pending conduct incidents, students on disciplinary probation are still considered to be in good conduct standing at the University.
- **University Probation** – a restrictive probationary status imposed for a specific time period, not to exceed three (3) semesters. This is a set period of time during which the student or student organization is given the opportunity to modify behavior, to complete specific assignments, meet with designated persons, and demonstrate a positive contribution to the University community in an effort to regain privileges within the University community. Repeated violations of the Student Conduct Code may result in either further extension of University Probation with restrictions or Suspension/Expulsion from the University. Such restrictions will be imposed as a preventative measure to avoid future violations of the Student Conduct Code. These can include, but are not limited to, restrictions on guest privileges, serving on executive boards (i.e., student leadership), staying in housing during break, participating in co-curricular travel, visiting residence halls, participating in student organizations or athletic competitions as a student athlete, and studying abroad. Students on university probation are not considered to be in good conduct standing at the University.
- **Suspension from the University** – exclusion from classes and from all privileges and activities of the University for a definite period of time, not to exceed one year. The student may not be readmitted, reapply, or be placed on a waiting list for a residence hall room until the suspension is concluded. This action may be deferred to become effective after a certain date. During a period of suspension, a student is not permitted on the University property without the express permission of the Dean of Students or designee. Failure to obtain this permission may result in arrest by University Police. If a suspended student violates any University regulations during the suspension period or the conditions of the suspension, that student will be subject to further action in the form of Expulsion from the University.
- **Expulsion from the University** – permanent termination of the student status without the possibility of readmission to the University. An expelled student is not permitted on University property and must leave the campus on the

date determined by the hearing officer. The student will be restricted from visiting the University in the future, which may include a criminal trespass warning, meaning the student will be subject to arrest if the student sets foot on campus.

Corrective and Educational Sanctions

As mentioned, sanctions are a developmental and educational tool, with the purpose of redirecting the student's behavior towards a pattern that fits the mission and values of the institution and in some cases to restore the damage that resulted in the disciplinary action of the student. Such sanctions are crafted with the individual student in mind and determined by considering the nature of the misconduct, student's conduct history, and mitigating or aggravating factors. Below is a short list of some examples of corrective and educational sanctions; it is not an exhaustive list. Students must actively participate in sanctions that call for them to be with others in shared space (e.g., Alcohol or Cannabis group check-ins, Individual check-ins for Alcohol and Other Drugs, Engagement Hours, etc.). Lack of participation may prevent a student from successfully completing the sanction.

- Individual Plan – individualized plans are customized to each student to assist in their overall development. These individual plans include, but are not limited to, engagement, career, behavioral, etc.
- Suspension from the residence halls – prohibition of the student from living in or visiting the residence halls for a specified period of time not to exceed one year. The student may not be readmitted, reapply, or be placed on a waiting list for a residence hall room until the suspension is concluded. This sanction may also include suspension from the residence hall for specified time periods, such as weekends.
- Expulsion from the residence halls – permanent prohibition of the student from living in or visiting the residence halls without the possibility of readmission to the residence halls.

Often students ask what the university sanctions are for violating the Alcohol and Drugs Policy. In compliance with the Drug Free Schools and Communities Acts Amendments of 1989, the Community Standards and Restorative Practice office publishes the following procedural guidelines to alcohol violations. The sanctions for drug violations may be more severe based on the type of substance involved.

First violation may include:

- Disciplinary Warning
- Alcohol and/or Drug Education

Second violation may include:

- Disciplinary Probation
- Engagement Hours or Community Service
- Alcohol and/or Drug Education
- Written Reflection

Third violation may include:

Range from university probation to suspension/expulsion from the residence halls or the university.

Notes: Depending on the situation, a sanction can be more or less severe. In addition, sanctions are determined by considering the nature of the misconduct, student's conduct history, and mitigating or aggravating factors.

Student found in violation of the alcohol and drugs policy through report of a sexual assault, psychological or medical emergency will be handled on a case-by-case basis. In addition to the above institutional sanctions guideline, students who violate the alcohol and other drugs policy may be subject to criminal penalties provided by federal, state, and local laws.

Other Sanctions

- Revocation of Admission or Degree – Admission to the University or revocation of a degree awarded from the University may be revoked for fraud, misrepresentation, or another violation of the Student Conduct Code committed during the course of obtaining the degree or for other serious violations committed by a student after admission or prior to graduation.
- Withholding Degree – The University may withhold awarding a degree otherwise earned until the completion of the disciplinary process set forth in the Student Conduct Code, including the completion of all sanctions imposed if any.

Student Organization Sanctions

The following sanctions may be imposed upon any student organizations found to have violated the Student Conduct Code. Note that this is not an exhaustive list of sanctions:

- Those sanctions listed above.

- Loss of Recognition – Loss of all University privileges for a designated period of time. Loss of recognition for more than two consecutive semesters requires a student organization to reapply for University recognition. Conditions for future recognition may be specified. Students may not continue to participate or associate in a student organization or accept further members during any Loss of Recognition.
- Disciplinary Hold – a hold may be placed on the student organization's ability to use all or specific University privileges.

Section 9. Appeal Process

The University has implemented procedures for students to appeal. Appeals are not re-hearing of the facts of the case, but rather an examination of the procedure and/or outcome. General dissatisfaction with the outcome of a conduct case or an appeal for mercy is not an appropriate basis for an appeal. Disciplinary actions or conduct sanctions/decisions rendered by members of the Student Life staff or its hearing officers may be appealed one time only to a hearing officer one professional level up from the person who rendered the original decision. The sanction(s) resulting from a disciplinary decision will be considered on hold until the decision is affirmed, modified or reversed in the appeals process. Additionally, only a student who has participated in the hearing process and has been found responsible for violating the Student Conduct Code may file a written appeal. If a student fails to attend a hearing, that student forfeits their right to appeal the decision rendered by the hearing officer or conduct board.

An appeal must be made in writing or electronically within five (5) business days of the notification of the outcome of the case to the parties involved in the original decision and should include the grounds for the appeal and all relevant information. Character statements, character witnesses, and letters of support that do not pertain to the incident in question cannot be considered. The decision to consider the appeal is a separate action from actually determining the appeal. If the appeal officer determines that the appeal does not meet any of the criteria for appeal, the student will be notified in writing via University email address within three (3) business days after the appeal request has been submitted.

The possible criteria for appeal are:

- The original hearing was not conducted according to established procedures or had significant procedural errors or irregularities that denied the student(s) a fair hearing.
- The student has new information that was not reasonably available prior to the original hearing and that information is likely to have substantially changed the outcome of the hearing.
- The sanction imposed appear/appears to be significantly incongruent with the violation.

All requests for appeal must outline the following:

- Any appeal based on criterion "A" must include all of the following:
 - Citation of specific procedural errors or irregularities with appropriate reference to the Student Conduct Code;
 - Reason(s) why procedural error was not mentioned in the original hearing;
 - Reason(s) why correction of error can contribute to a decision other than that which was originally made.
- Any appeal based on criterion "B" must include all of the following:
 - Nature of the new evidence;
 - Name(s) of anyone who will present this evidence;
 - Reason(s) why evidence was not discussed at original hearing;
 - Reason(s) why evidence can contribute to a decision other than that which was originally made.
- Any appeal based on criterion "C" must include specific information indicating that the sanction is unreasonable in light of the finding of responsible for violating the conduct regulation(s).

The appeal officer may take the following actions after considering or determining an appeal:

- Remand the matter to the original hearing officer to be reheard in whole or in part. At the discretion of the appeal officer a different official or hearing method may be designated;
- Affirm the original decision and sanction(s);
- Reverse the original decision and sanction(s);
- Affirm or reverse the original decision in part and/or alter the sanction(s) which could increase or decrease the severity of the sanction(s).

A notification of the decision regarding the appeal will be made to the student in person, in writing, or communicated via University email address. The appeal decision will normally be rendered within two weeks of the written appeal. The decision of the appeal officer is final and effective immediately.

Section 10. Conduct Records

- All records of disciplinary action are maintained privately in the Community Standards and Restorative Practice office. In cases which involve suspension, dismissal, or expulsion, the academic departments are notified and the action is also recorded on the student's academic transcript permanently.
- No one outside the institution shall have access to a student's disciplinary record nor will the Community Standards and Restorative Practice office disclose any information in these records without the express written consent of the student involved except as provided in the "Family Educational Rights and Privacy Act of 1974."
- Students wishing to review their conduct records may do so by making a request to the Community Standards and Restorative Practice office. Records will be made available within five (5) business days from the date of request.
- Students who believe that their conduct records contain information that is inaccurate, misleading, or otherwise in violation of their privacy or other rights should follow procedures described in the "Family Educational Rights and Privacy Act of 1974" in order to correct them.
- Conduct records shall be retained until two (2) years after the date of the student's graduation or, in the case of withdrawals, the date the student would have normally graduated, and then destroyed at the end of the next semester in which the date falls. Records of suspension, dismissal, and expulsion shall be retained indefinitely.

Section 11. Distribution and Amendment Procedures

Distribution

- The University shall publish a clear statement about the student conduct process which will be available for review by any member of the University community online.
- Printed versions of the Student Conduct Code will be made available to campus offices at their request.

Amendment Procedures

Amendments to the rules, regulations, or procedures of the University as set forth in this document shall be carried out as follows:

- All proposed amendments to this document by any member of the University community must be submitted to the Dean of Students for transmission to the appropriate contract committee. All proposals so submitted shall be forwarded to the Student Government Association (SGA) for recommendations and comments.
- Once approved in accordance with contract committee procedures, the amendment shall be incorporated into the next scheduled publication of the Student Conduct Code.
- Changes in the student conduct process made before the publication of the Student Conduct Code shall be communicated to the student body by appropriate means. An attempt will be made to give as much advance notification as possible.

Section 12. List of Resources

Dean of Students Office

This office provides leadership to the student life division, consults with students, faculty and staff, and coordinates response to students of concern.

Location: Meier Hall room 245 (North Campus)

Phone: 978.542.6401

Email: studentlife@salemstate.edu

Office Hours: Monday thru Friday, 8:30 am to 5 pm

Academic Advising

Location: Berry Library and Learning Commons, first floor (north campus)

Phone: 978.542.7049

Campus Life and Recreation

This area oversees campus recreation and provides access to the fitness center, group exercise classes, personal training, swimming pool and lessons, intramural clubs and sports, special events, and equipment check out.

Location: O'Keefe Sports Complex

Phone: 978.542.4442

Career Services

This office guides you from your first day on campus through your entire professional life, from career exploration to resume building, from finding an internship to sharpening your interviewing skills.

Location: Ellison Campus Center room 105 (North Campus)

Phone: 978.542.6406

Office Hours: Monday thru Friday, 8:30 am to 5 pm

Center for Academic Excellence

Location: Berry Library and Learning Commons, first floor (North Campus)

Phone: 978.542.6215

Center for Accessible Academic Resources

This office coordinates services for students with disabilities, provides campus accessibility tools and support, and facilitates classroom and educational accommodations.

Location: Berry Library and Learning Commons room G20 (North Campus)

Phone: 978.542.6217

Video Phone: 978.910.0167

TTY: 978.542.7146

Office Hours: Monday thru Friday, 8:30 am to 5 pm

Center for Civic Engagement

This office is responsible for developing and supporting programs that connect our students, faculty, staff, and alumni to the greater community.

Location: Meier Hall Room 316 (North Campus)

Phone: 978.542.2873

Community Standards and Restorative Practice

This office provides information on the behavioral expectations of SSU students regardless of whether they are on-campus or off-campus. The office prioritizes campus safety, protecting student's rights, educating on decision making, and engaging students in restorative practice.

Location: Meier Hall Room 245; Atlantic Hall 131

Phone: 978.542.5175

Counseling and Health Services

This office provides mental health counseling and makes referrals for off-campus providers. It also provides health care treatments

Location: Ellison Campus Center room 107 (North Campus)

Phone: 978.542.6413

Office Hours: Monday thru Friday, 8 am to 5 pm

First Year Experience

This office ensures you have access to the resources and support you will need to successfully navigate the transition from high school to university life.

Location: North Campus Dining room 101A (North Campus)

Phone: 978.542.2618

Email: firstyear@salemstate.edu

PEAR (Prevention, Education, Advocacy, and Response) Program

This office serves all SSU students who have experienced dating and/or sexual violence and/or stalking with access to a confidential PEAR advocate who can support survivors, provide information, and connect students to resources. All services are free of cost to all students, trauma-informed, survivor-centered, and culturally inclusive.

Location: Ellison Campus Center room 112 (North Campus)

Phone: 978.542.2987

Office Hours: By appointment

Confidential Advocate (talk/text): 978.594.7089

Residence Life

This office provides a safe, secure, and comfortable living learning environment that supports the academic mission of the university.

Location: Atlantic Hall room 131 (Harrington Campus, entrance is on the right side of the building closest to the parking lot)

Phone: 978.542.6416

Office Hours: Monday thru Friday, 8:30 am to 5 pm

Student Navigation Center

This office is the place to go for any business you might have with the University (i.e., registration, financial aid, billing, student accounts, Clipper Card, etc.).

Location: Classroom building, second floor (Central Campus)

Phone: 978.542.8000

Office Hours: Monday thru Thursday, 8:30 am to 5 pm; Friday, 10 am to 5 pm

Student Wellness CARE

The office provides support and resources for students including: mental or physical health concerns, basic food insecurities, understanding campus policies, advocacy, personal or family crises, assistance with general wellness needs, and connection to campus resources.

Location: Meier Hall 245A

Email: careandconcern@salemstate.edu

Office Hours: Monday thru Friday, 8:30 am to 5 pm

TRIO Student Support Services

This is a federally funded program that provides comprehensive support services to eligible part-time and full- time matriculated students. Services include academic support in reading, writing, math and science, in addition to course tutorials and testing.

Location: Berry Library and Learning Commons, lower level (North Campus)

Email: klinton@salemstate.edu

University Police

This is a full police department within the Commonwealth of Massachusetts. Staffed 24/7, this department provides related police services, medical emergency response, crime prevention education, parking, lost and found, traffic support, and a variety of other services to the SSU community.

Location: University Police (Central Campus)

Phone: 978.542.6111

Office Hours: 24 hours a days, 7 days a week

Veterans' Affairs

This office assists current and former service members of the armed forces as well as survivors and dependents with both state and federal educational benefit programs.

Location: Ellison Campus Center room 220 (North Campus)

Writing Center

Location: Berry Library and Learning Commons, first floor (North Campus)

Phone: 978.542.6215